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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/863,877

05/23/2001

Takaaki Amano

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18.699

9471

7590

11/16/2006

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EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/863,877

Applicant(s)

AMANO ET AL.

Examiner

Jean Janvier

Art Unit

3622

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1 and 4-10.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

13. ☐ Other: \_\_\_\_\_.

Jean Janvier  
Examiner  
Art Unit: 3622

Continuation of 11. does NOT place the application in condition for allowance because: First, the rejections of the claims are still maintained since the amendment simply corrects minor informalities and puts the Application in better condition for Appeal. Second, the Examiner will withdraw the 112(2) rejection of claim 4 at the time of Appeal although it appears, from claim 1, that the point degree that it is being displayed in association with an advertisement, for the first time, cannot be equal to zero (0) since there is no incentive for the user to read the displayed advertisement if the point degree displayed next to the advertisement is zero. Thus, it is unclear, as recited in claim 4, which "minimum value of the point degree to be displayed is equal to 0".

Third, regarding the 103 rejection, Roth (in the secondary reference) discloses a system wherein each advertiser provides one or more "proposed bids", which specify how much the advertiser is willing to pay for displaying a particular advertisement in response to a view-op with certain characteristics (or a user's visit). Each proposed bid can specify a price or amount that the advertiser is willing to pay for the opportunity to display an advertisement to a viewer who has a particular set of characteristics and on a web site and web page that meets a particular set of criteria. Each proposed bid can be dependent upon or require satisfaction of various criteria, which must be met in order for a bid of a particular amount to be submitted. For example, an advertiser might specify that the first one thousand times that view-ops (users) meeting certain criteria occurs, a bid of five cents will be submitted for displaying a specific advertisement and each time thereafter that a view-op (user) meeting the criteria occurs a bid of one cent will be submitted (page 3: 19 to page 4: 10). Here, contrary to the Applicant's contention, Roth explicitly teaches decreasing payments for subsequent viewings of the same advertisement by viewers (which is why the reference is used primarily). Additionally, Roth does not expressly state that the subsequent viewings are from the same viewers who read the advertisement during a first period of time and the Applicant cannot hastily conclude that the subsequent viewings are from different viewers. Needless to say that the viewers who view the same advertisement during a second period of time may include viewers who viewed the advertisement during the first period of time.

Furthermore, it is common practice in the art to display an ad to a user more than once (multiple times) until the user takes a favorable action by either clicking on the ad to require additional information or purchasing a product or service featured in the ad, thereby rendering the system more effective (See USP 5,848,396 and col. 2: 36-42).

Therefore, contrary to the Applicant's findings, an ordinary skilled artisan would have been motivated at the time of the invention to display an ad to a user more than once or multiple times until the user takes a favorable action by either clicking on the ad to require additional information or purchasing a product or service featured in the said ad, wherein the user receives a higher amount of digital cash (point degree) equal to the value of the Cybercoin displayed next to the ad on the user's computer screen the first time he selects the ad and wherein the digital cash or point degree, given to the user, decreases thereafter for each additional selection or viewing of the same ad by the user until the user takes the favorable action, thereby rendering the advertising distribution system more effective by encouraging the user to select or view an ad more than once, by compensating the user for each subsequent viewing or selection of the ad previously selected by the user, until the user takes a positive or favorable action by either clicking on the ad to require additional information or purchasing a product or service featured in the ad.

Thus, the Applicant's arguments, as herein recorded, are not not plausible.

JEAN D. JANVIER  
PRIMARY EXAMINER

